

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

PAN AMERICAN PETROLEUM
CORPORATION, a corporation,

Petitioner,

v.

No. 22060

OIL CONSERVATION COMMISSION
OF NEW MEXICO, et al.,

Respondents.

ANSWER TO PETITION FOR REVIEW

Respondent, Oil Conservation Commission of New Mexico,
answering the Petition for Review, states:

First Defense

1. Respondent admits the allegations contained in Paragraphs 1 and 2 of the Petition for Review.

2. Respondent denies the allegation contained in Paragraph 3 of the Petition for Review that Commission Order No. R-2772 in Case No. 3029 denied the application of Pan American Petroleum Corporation for authority to drill a well at either of the proposed locations in the Southwest quarter of Section 17 and states that Order No. R-2772 in Case No. 3029 denied the application of Pan American Petroleum Corporation for authority to drill a well at either of the proposed locations in the Southeast quarter of Section 17, Township 20 South, Range 30 East, NMPM, Eddy County, New Mexico. Respondent admits all other allegations contained in Paragraph 3 of the Petition for Review.

3. Respondent denies the allegation contained in Paragraph 4 of the Petition for Review that Commission Order No. R-2772-A was entered on or about the 23rd day of October, 1964, and states that Order No. R-2772-A was entered on the 21st day of October, 1964.

Respondent admits all other allegations contained in Paragraph 4 of the Petition for Review.

4. Respondent admits the allegations contained in Paragraphs 5 and 6 of the Petition for Review.

5. Respondent denies each and every allegation contained in Paragraphs 7 through 14 of the Petition for Review.

Second Defense

The petitioner has failed to state a claim upon which relief can be granted.

Third Defense

The Court lacks jurisdiction over the subject matter of this appeal as Commission Order No. R-2772-A became final under the provisions of Section 65-3-22, New Mexico Statutes Annotated, 1953 Compilation, and is not subject to judicial review.

WHEREFORE, Respondent prays:

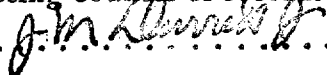
1. That the Petition for Review be dismissed.
2. That Commission Orders No. R-2772 and No. R-2772-A be affirmed.
3. That the Court grant respondent such other and further relief as the Court deems just.



J. M. DURRETT, Jr.

Special Assistant Attorney General
representing the Oil Conservation
Commission of New Mexico, P.O. Box
2088, Santa Fe, New Mexico

I hereby certify that on the
17th day of December...
1964... a copy of the fore-
going pleading was mailed to
opposing counsel of record.

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POTASH COMPANY OF AMERICA

CARLSBAD, NEW MEXICO

MAIN OFFICE 6000

'65 SEP 3 AM 7:2

September 1, 1965

Ross L. Malone, Esq.
Attorney at Law
P. O. Drawer 700
Roswell, New Mexico

Re: Pan American Petroleum Corporation v.
Oil Conservation Commission of New
Mexico, et al., Cause No. 22060 in
the District Court of Eddy County,
New Mexico

Dear Ross:

Responding to your letter of August 28, I enclose the ribbon
copy of stipulation for dismissal of the above captioned
case. By copy hereof I'm sending Jim Durrett his executed
copy.

With best personal wishes,

Sincerely,



RHB/b

cc: J. M. Durrett w/encl.



C
O
P
Y

ATWOOD & MALONE
LAWYERS

P. O. DRAWER 700
TELEPHONE 505 622-6221
SECURITY NATIONAL BANK BUILDING
ROSWELL, NEW MEXICO
88201

JEFF D. ATWOOD (1883-1960)
ROSS L. MALONE
CHARLES F. MALONE
RUSSELL D. MANN
PAUL A. COOTER
BOB F. TURNER
ROBERT A. JOHNSON
JOHN W. BASSETT, JR.

September 3, 1965

SEP 7 - 1965

Mrs. Marguerite Waller
Clerk of the District Court
Carlsbad, New Mexico

Re: Pan American Petroleum Corporation v.
Oil Conservation Commission, et al.
No. 22060, District Court of Eddy County.

Dear Mrs. Waller:

I am enclosing herewith Stipulation dismissing this case which was an appeal from an Order of the Oil Conservation Commission. The Stipulation For Dismissal has been signed by counsel for all parties and effects a final determination of the case.

With best wishes, I am

Very truly yours,


for ATWOOD & MALONE

RLM:d

Enclosure

cc: Hon. Caswell S. Neal
R. H. Blackman, Esquire
J. M. Durrett, Jr., Esquire
J. K. Smith, Esquire
W. W. Heard, Esquire

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

LEGAL DIVISION

PHONE 827-2741

August 31, 1965

C
O
P
Y

Mr. R. H. Blackman
Resident Counsel
Potash Company of America
P. O. Box 31
Carlsbad, New Mexico 88220

Re: Pan American Petroleum Corporation v.
Oil Conservation Commission of New Mexico,
et al., Cause No. 22060 in the District
Court of Eddy County, New Mexico

Dear Roy:

As the stipulation for dismissal in the above case was inadvertently mailed from your office without your signature, I am returning herewith the original and both copies which I have signed in order that you may mail the original to Ross and return an executed copy to me for the Commission's file.

Best personal regards.

Very truly yours,

J. M. DURRETT, Jr.
Attorney

JMD/esr
Enclosures

cc: Mr. Ross L. Malone
Attorney at Law
P. O. Drawer 700
Roswell, New Mexico



POTASH COMPANY OF AMERICA

MINE AND REFINERY: P. O. BOX 31 • CARLSBAD, NEW MEXICO 88220 • AREA CODE 505 • 777-2844

165 AUG 31 1965

August 30, 1965

R. H. BLACKMAN
RESIDENT COUNSEL

J. M. Durrett, Jr., Esq.
Special Assistant Attorney General
P. O. Box 2088
Santa Fe, New Mexico

Re: Pan American Petroleum Corporation
Oil Conservation Commission of New
Mexico, et al, Cause No. 22060 in
the District Court of Eddy County,
New Mexico

Dear Jim:

I enclose original and two copies of the stipulation for dismissal sent me by Ross Malone. Will you please execute all three, return the executed original to Ross and one executed copy to me.

With best personal regards, I am

Sincerely,

RHB/b
Enc.



MEMBER: AMERICAN POTASH INSTITUTE

Case file

ATWOOD & MALONE
LAWYERS

P. O. DRAWER 700
TELEPHONE 505 622-6221
SECURITY NATIONAL BANK BUILDING
ROSWELL, NEW MEXICO
88201

August 28, 1965

JEFF D. ATWOOD (1953-1960)
ROSS L. MALONE
CHARLES F. MALONE
RUSSELL D. MANN
PAUL A. COOTER
BOB F. TURNER
ROBERT A. JOHNSON
JOHN W. BASSETT, JR.

R. H. Blackman, Esquire
P. O. Box 31
Carlsbad, New Mexico 88220

Re: Pan American Petroleum Corporation v.
Oil Conservation Commission of New Mexico,
et al, Cause No. 22060 in the District Court
of Eddy County, New Mexico.

Dear Roy:

As I believe you know, the Pan American Petroleum Corporation has concluded that it will not pursue its appeal from the orders of the Oil Conservation Commission which were the subject of the Petition for Review in this case. In view of the fact that Answers to the Petition have been filed it appears appropriate that the dismissal be effected by a Stipulation signed by all parties to the cause. I am enclosing herewith an original and two copies of a proposed Stipulation For Dismissal. If you are agreeable to the dismissal of the appeal, will you please sign the original of the enclosed Stipulation, retain one copy for your files and forward the original with the additional copy to Jim Durrett for signing by him and return to me for filing.

I am sending Jim Durrett a copy of this letter to advise him of the fact that Pan American is dismissing its appeal in order that he may expect to receive the original Stipulation from you for his signature.

With best wishes, I am

Very truly yours,

ATWOOD & MALONE

By: *Ross L. Malone*

RLM:d

Enclosures

cc: J. M. Durrett, Jr., Esquire

Caswell S. Neal

CASWELL S. NEAL

DISTRICT JUDGE

CARLSBAD, NEW MEXICO

May 10, 1965

Atwood & Malone
Attorneys at Law
P.O. Drawer 700
Roswell, New Mexico

Davis, Graham & Stubbs
Attorneys at Law
American National Bank Building
Denver 2, Colorado 80202

Hon. R. H. Blackman
P.O. Box 31
Carlsbad, New Mexico

Hon. J. M. Durrett, Jr.
Special Assistant Attorney General
P.O. Box 2088
Santa Fe, New Mexico

Re: Pan American Petroleum Corp. vs. Oil Conservation
Commission of New Mexico, et al, No. 22060

Gentlemen:

I have today recused myself in the above case.
I am setting a docket for Judge Nash and will probably set
this case on his docket.

Respectfully,

Caswell S. Neal
CASWELL S. NEAL

CSN/hl

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

LEGAL DIVISION

PHONE 827-2741

December 7, 1964

C
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Mr. Roy H. Blackman
Resident Counsel
Potash Company of America
P. O. Box 31
Carlsbad, New Mexico

Re: Pan American Petroleum Corporation
v. Oil Conservation Commission, et al.,
Eddy County, No. 22060

Dear Roy:

In accordance with our conversation of this morning, I am enclosing a draft of my proposed answer in the above case.

I should arrive in Santa Fe from Biloxi, Mississippi, on Saturday, December 12, 1964, in the late afternoon or early evening. I will call the La Fonda upon my arrival and arrange to meet with you if you have decided to stay over.

Very truly yours,

J. M. DURRETT, Jr.
Attorney

JMD/esr
Enclosure

OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 25, 1964

Mr. Roy H. Blackman
Resident Counsel
Potash Company of America
P. O. Box 31
Carlsbad, New Mexico

Re: Pan American Petroleum Corporation
v. Oil Conservation Commission, et al.,
Eddy County, No. 22060

Dear Roy:

I have today forwarded my Entry of Appearance in the above case to the Clerk of the Court and opposing counsel. I am enclosing a copy of the same for your files.

I should have an Answer prepared in the near future.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

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OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 25, 1964

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Mrs. Marguerite E. Walker
Clerk of the District Court
County Court House
Carlsbad, New Mexico

Re: Pan American Petroleum Corporation
v. Oil Conservation Commission, et al.,
Eddy County, No. 22060

Dear Mrs. Walker:

I am enclosing herewith an Entry of Appearance on
behalf of the Oil Conservation Commission for filing in
the above case.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 25, 1964

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Atwood & Malone
Attorneys at Law
Post Office Drawer 700
Roswell, New Mexico

Attention: Mr. John W. Bassett, Jr.

Re: Pan American Petroleum Corporation
v. Oil Conservation Commission, et al.,
Eddy County, No. 22060

Gentlemen:

I am enclosing herewith an Entry of Appearance on behalf of the Oil Conservation Commission in the above case.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 25, 1964

Mr. J. K. Smith
Division Attorney
Pan American Petroleum Corporation
Post Office Box 1410
Fort Worth, Texas

Re: Pan American Petroleum Corporation
v. Oil Conservation Commission, et al.,
Eddy County, No. 22060

Dear Mr. Smith:

I am enclosing herewith an Entry of Appearance on behalf of the Oil Conservation Commission in the above case.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

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ENTRY OF APPEARANCE

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

PAN AMERICAN PETROLEUM
CORPORATION, a corporation,

Petitioner,

v.

No. 22060

OIL CONSERVATION COMMISSION
OF NEW MEXICO, et al.,

Respondents.

ENTRY OF APPEARANCE

J. M. Durrett, Jr., Special Assistant Attorney
General, hereby enters his appearance on behalf of the
respondent, Oil Conservation Commission of New Mexico, in
the above entitled and numbered cause.

J. M. Durrett, Jr.

J. M. DURRETT, Jr.
Special Assistant Attorney General
representing the Oil Conservation
Commission of New Mexico, P.O. Box
2088, Santa Fe, New Mexico

I hereby certify that on the
25th day of November,
1964, a copy of the fore-
going pleading was mailed to
opposing counsel of record.

J. M. Durrett, Jr.